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7 Attorneys for Former Chapter 7 Debtor  
Rossby Ruiz

**FILED & ENTERED**

**AUG 22 2018**

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY bakchell DEPUTY CLERK

8 **UNITED STATES BANKRUPTCY COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **LOS ANGELES DIVISION**

11 In re  
12 ROSSBY RUIZ,  
13 Debtor.

Case No. 2:17-bk-15730-RK  
Chapter 7  
Adv. Proc. No. 2:18-ap-01111-RK

15 **ORDER DENYING MOTION FOR  
ORDER DISQUALIFYING COUNSEL  
FOR DEBTOR**

16 AGEDA REYGOZA-FONSECA,  
17 Plaintiff,  
18 v.  
19 ROSSBY RUIZ,  
20 Defendant.

Date: August 21, 2018  
Time: 2:30 p.m.  
Place: 255 East Temple Street  
Los Angeles, CA 90012  
Courtroom 1675

The Hon. Robert Kwan

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24 The Motion for Order Disqualifying Counsel for Debtor [Dkt. No. 10] (the "Motion"),  
25 filed on July 26, 2018, by Ageda Reygoza-Fonseca ("Movant"), came on for hearing before this  
26 Court on August 21, 2018, at 2:30 p.m. Having reviewed the Motion, the opposition brief filed  
27 by former Chapter 7 debtor Rossby Ruiz, and the reply brief filed by Movant, and good cause  
28 appearing therefor,

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*W. J. Allen*

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United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar

Tuesday, August 21, 2018

Hearing Room 1675

2:30 PM

2:17-15730 Rossby Ruiz

Chapter 7

Adv#: 2:18-01111 Reynoza-Fonseca v. Ruiz

#37.00 Hearing re: Motion for order disqualifying counsel

Docket 10

**Tentative Ruling:**

Deny motion to disqualify counsel for debtor for the reasons stated in the opposition of debtor. Movant lacks standing to disqualification of counsel where she had no attorney-client relationship. *Kasza v. Browner*, 133 F.3d 1159, 1171 (9th Cir. 1998); *Sherman v. CLP Resources, Inc.*, 2015 WL 13542762 (C.D. Cal. 2015); *Great Lakes Construction, Inc. v. Burman*, 186 Cal.App.4th 1347, 1358 (2010). The court agrees with debtor that standing is not shown under the so-called minority view set forth in *Colyer v. Smith*, 50 F.Supp.2d 966 (C.D. Cal. 1999) were applicable, assuming arguendo that it is the law in California, which is doubtful since no California state court case has adopted it, because the alleged injury to the nonclient movant that is not concrete and particularized, but only conjectural or hypothetical at this time because there is no injury unless movant obtains a state court judgment in excess of the \$25,000 insurance policy limits, convinces a Chapter 7 trustee that debtor had a bad faith claim against the insurer, which has not been abandoned to the debtor, and movant alleges and proves a bad faith claim on behalf of debtor. Appearances are required on 8/21/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rossby Ruiz

Represented By  
Freddie V Vega  
David J Richardson

**Defendant(s):**

Rossby Ruiz

Represented By  
David J Richardson